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10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 TOMMY FUENTES, ) CV F 02 5948 LJO HC  
13 Petitioner, )  
14 v. ) ORDER DISMISSING MOTION FOR  
15 ) APPOINTMENT OF COUNSEL  
16 FRED BROWN, ) [Doc. #33]  
17 Respondent. )  
18 \_\_\_\_\_

19 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus  
20 pursuant to 28 U.S.C. § 2254 on appeal to the Ninth Circuit Court of Appeals.

21 On November 15, 2004, Petitioner filed a motion for appointment of counsel. There  
22 currently exists no absolute right to appointment of counsel in habeas proceedings. See e.g.,  
23 Anderson v. Heinze, 258 F.2d 479, 481 (9<sup>th</sup> Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v.  
24 Wyrick, 727 F.2d 773 (8<sup>th</sup> Cir.), cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. §  
25 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so  
26 require.” See Rule 8(c), Rules Governing Section 2254 Cases. In the present case, the Court does  
27 not find that the interests of justice would be served by the appointment of counsel at the present  
28 time. Judgment was entered on October 12, 2004, and the matter before this Court is terminated.

1 Accordingly, Petitioner's request for appointment of counsel is DISMISSED. Petitioner is  
2 advised that he may renew his motion before the Ninth Circuit Court of Appeals.

3 IT IS SO ORDERED.

4 **Dated:** July 13, 2005  
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/s/ Lawrence J. O'Neill  
6 UNITED STATES MAGISTRATE JUDGE

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